

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-033-C - ORDER NO. 2000-0444
MAY 23, 2000

IN RE: Complaint of ITC^DeltaCom Communications,) ORDER
Inc. Against BellSouth Telecommunications, Inc.) GRANTING
for Breach of Interconnection Terms and Request) REQUEST
for Immediate Relief) FOR
) CONTINUANCE

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of BellSouth Telecommunications, Inc. (BellSouth) for a continuance of the hearing in this matter. The hearing is scheduled to being on May 22, 2000. BellSouth states that it has been carrying on negotiations with ITC^DeltaCom Communications, Inc. (ITC), the Complainant in this matter, but has not been able to finalize its settlement offer. BellSouth further noted that a key attorney in the negotiations was unavailable during a critical period in this process. Due to the short timeframe between the time of the request for continuance and the date of the hearing, BellSouth requested that the hearing be continued for a short period of time in order for the parties to explore resolution of the disputed matters.

ITC objects to the continuance on the grounds that many months have passed since the complaint was filed, and several continuances have already been granted. ITC notes that all of the testimony has been prefiled and the parties mutually agreed to the current hearing date. ITC also points to decisions from other State Commissions which have held that ISP traffic is subject to reciprocal compensation. Further, ITC states that there has been ample time to discuss the issues with BellSouth already.

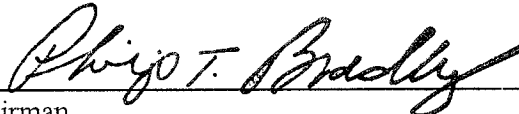
BellSouth has filed a reply to ITC's objection. BellSouth states that the reason it has requested a continuance is to provide the parties a short period of time to attempt to resolve the issues pending before

the Commission, if they can be resolved. BellSouth disputes ITC's view that several State Commissions have issued decisions awarding reciprocal compensation for ISP traffic.

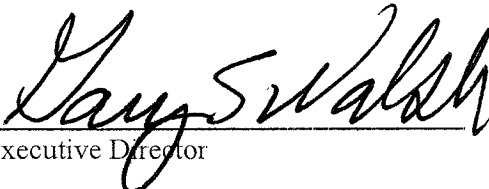
Commission Regulation 103-862 states that unless good cause is shown in a request for a continuance, no such continuance shall be granted. We hold that good cause has been shown by BellSouth in the instant case, and that the requested continuance should be granted. We believe that all due consideration should be given to settlement negotiations. BellSouth states that it has not been able to finalize its settlement offer to ITC in this matter, and, further, that a key attorney was going to be unavailable until just prior to the hearing. We believe that this scenario constitutes "good cause shown" as described in the Regulation. Certainly, BellSouth should be allowed to finalize its settlement offer, and do so with the help and presence of its key attorneys. The request for continuance is granted.

The Commission's patience is not inexhaustible, however. The hearing in this matter is hereby rescheduled to begin on June 12, 2000 at 11:00 AM. All parties should be advised that this Commission will give strict scrutiny to any further requests for continuances.

This Order shall remain in full force and effect until further Order of the Commission.


Chairman

ATTEST:


Executive Director

(SEAL)